

Application No.: 10/670,625

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Docket No.: 480062002000

**REMARKS**

The Office Action mailed February 5, 2007 has been reviewed and the Examiner's comments considered. Applicants note with appreciation the time set aside by the Examiner to discuss the outstanding rejection of the claims in an interview on April 30, 2007, the details of which are below. Claims 1-11 and 15-23 are pending in this application. Previously withdrawn claims 12-14 are canceled by this amendment. Applicants reserve the right to pursue the subject matter of these canceled claims in a future application. Claim 1 is amended and claims 15-23 are added, support for which is in the originally filed application at, for example, paragraphs [0019]-[0023], FIGS. 1-3. Applicants submit that no new matter or issues have been introduced.

**Statement on Substance of Interview**

The interview was conducted via telephone on April 30, 2007, between the undersigned, and Examiner Melissa McCorkle. Independent claims 1 and 8 were discussed in view of the rejection under 35 U.S.C. § 102 with respect to USPN 5,395,316 to Martin (hereinafter, "Martin"). Following a discussion of the claimed invention directed to a coaxial catheter in view of the disclosed side-by-side catheter of Martin, the Examiner agreed to withdraw the outstanding rejection and update the search. Applicants agreed to file this response traversing the outstanding rejection and await results of the updated search.

**Claim Rejections - 35 U.S.C. § 102**

Claims 1-11 stand rejected under 35 USC § 102(b) as being anticipated by Martin. Applicants respectfully traverse this rejection.

Martin is directed to a side-by-side triple lumen catheter. Martin describes the formation of a connector 24 through the use of a conventional molding process in which mandrels are inserted into a proximal end of a catheter to create an assembly which is placed in a mold. Using injection molding techniques, the connector 24 is formed around the mandrels and the mandrels are subsequently removed (col. 4, ll. 1-41 of Martin).

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The claimed invention, differently, is directed to a proximal insert for a coaxial catheter. Independent claim 1 recites elements for a proximal insert, while independent claim 8 recites a coaxial catheter and elements for a proximal insert. Martin does not show or describe a proximal insert for a coaxial catheter. In particular, Martin does not show or describe at least "a shoulder on an outer surface of said distal end" of a body, which is recited in independent claims 1 and 8. Accordingly, Applicants submit that Martin does not show or describe each and every element as set forth in independent claims 1 and 8. As a result, rejected claims 1-11 are believed to be patentable in view of Martin and Applicants therefore respectfully request withdrawal of this rejection.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 480062002000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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